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Summary of stakeholders' submissions on Morocco*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 41 stakeholders' submissions[1] to the Universal Periodic Review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for contributions by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution of the State under review accredited in full compliance with the Paris Principles

2. Concerning the implementation of recommendations supported by Morocco during its second UPR, the National Human Rights Council (NHRC) indicated that: a) In 2016, its status "A" was confirmed by the Global Alliance of National Human Rights Institutions;[2] b) A new draft law proposed the establishment of the National Preventive Mechanism against Torture (NPM);[3] the mechanism dealing with complaints related to children victims and the independent mechanism for the protection of the rights of persons with disabilities. The NHRC recommended accelerating the adoption of the draft law on the NPM; c) Cooperation of the Government with the NHRC had been positive and its response rate to complaints from the NHRC reached 56%;[4] d) A human rights based approach was integrated in the National Public Health Strategy. The NHRC recommended adopting

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specific measures to guarantee the right of vulnerable groups to health;[5] e) Further to a NHRC's request in 2015, 21 associations were legally recognized;[6] f) Further to a memorandum of understanding, several recommendations from the NHRC, related to review of legislation, had been taken into account by the Parliament, in particular regarding military justice, trafficking in persons and domestic child labor;[7] g) Regarding the transitional justice process, a number of victims of human rights violations received compensation. Other measures included healthcare for victims and relatives and social reinsertion programmes;[8] h) Adoption of the Family Law was positive. However, legal challenges continued to hamper women's rights, including polygamy, women's access to legal guardianship, unequal inheritance; and access to land; i) Child marriage, education especially of girls in rural areas, juvenile justice and child domestic labor remained a concern; and j) A law on trafficking in persons was adopted, and a migration policy and an exceptional regularization operation were launched in 2014, benefiting 70% of the registered applicants.[9]

3. In addition, the NHRC recommended: a) The national courts increase use international instruments in rulings; b) Elaborate and implement a plan of action on business and human rights in conformity with the United Nations Guiding Principles on Business and Human Rights (UNGPs); c) Improve the mandate of the Authority for Parity and Fight against Discrimination (APALD) and provide it with necessary resources to independently fulfil its mandate. Promulgate a law that defines discrimination, including adequate sanctions; d) Vote in favor of the General Assembly's Resolution calling for a moratorium on execution of the death penalty, and adhere to the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR); f) Allow any person placed in police custody to receive immediate legal assistance without prior authorization; carry out a medical examination at the beginning and at the end of police custody; and generalize audio-visual recording of interrogations; g) Carry out systematically medical assessments in any case of allegation of torture and initiate independent and impartial investigations into such allegations at any stage of the trial; h) Reduce the phenomenon of overcrowding in penitentiary institutions, including by implementing alternative sentences and revising the pardon procedure; i) Protect journalists while exercising their profession and guarantee the right of access to information; j) Elaborate and implement national plans of action on Sustainable Development Goals based on a human rights-based approach; and k) Adopt an equity and quality approach on the reform of the national education system.

4. The NHRC called on Morocco to accept recommendations which did not enjoy its support at the second UPR cycle, such as revising the Family Code to guarantee equality between men and women in inheritance matters,[10] and to prohibit marriage of minors;[11] and introducing a de jure moratorium on executions as rapidly as possible.[12]

III. Information provided by other stakeholders

A. Scope of international obligations[13] and cooperation with international human rights mechanisms and bodies[14]

5. Several stakeholders recommended withdrawing reservations to the Convention on the Elimination of All Forms of Discrimination against Women.[15]

6. Amnesty International (AI) recommended that Morocco implement decisions by the Working Group on Arbitrary Detention,[16] and accept the competence of the CED to consider individual complaints.[17] Asociación de familiares de Presos y Desaparecidos Saharauis (FAPREDESA) recommended submitting the initial pending report to the

Committee on Enforce Disappearance (CED) and ensuring that civil society organisations are consulted during the process.[18]

7. Sahrawi Association of Victims of Grave Human Rights Violations (ASVDH)[19] and World Alliance for Citizen Participation (CIVICUS) recommended improving cooperation with treaty bodies and special procedures.[20]

8. Commission Nationale Sahraouie des droits de l'homme (CONASADH) was concerned that the Saharawi people had not been able to exercise its right to self-determination. [21] ASVDH recommended organizing a referendum with the UN's assistance.[22]

B. National human rights framework[23]

9. AI indicated that Morocco is currently reviewing its Penal Code and Criminal Procedure Code to bring them in line with the Constitution and international law. The drafts partially fulfil the UPR recommendations.[24]

10. JS6 recommended establishing the supremacy of international human rights conventions ratified by Morocco over national laws.[25] JS5 recommended adopting a national plan for the harmonization of domestic legislation with international human rights law, in cooperation with national institutions and civil society.[26]

11. ALKARAMA Foundation (AF) indicated that, further to previous UPR recommendations, Morocco replaced the former Consultative Council by the National Council for Human Rights. AF recommended strengthening the independence of the NHRC vis-à-vis the Executive.[27]

12. JS5 and JS9 recommended accelerating the process of establishing the national preventive mechanism of torture, and ensuring the participation of civil society.[28]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross cutting issues

Equality and non-discrimination[29]

13. Western Sahara Campaign (WSC) indicated that Saharawi people suffer discrimination in the field of employment, and on the basis of their ethnicity. WSC highlighted that Saharawi women faced double discrimination.[30]

14. According to Adala-UK, Saharawi children are subjected to discrimination and bullying in the schools and are denied their cultural identity in most aspects of their daily life.[31] Adala-UK recommended ensuring that Saharawi children receive equal educational opportunities and are treated without discrimination.[32]

15. AI indicated that Morocco continued to imprison people under laws criminalizing same-sex sexual relations between consenting adults. Between May and June 2015, five men were sentenced to prison by "indecency".[33]

16. JS5 recommended criminalizing hate speech and violence on the basis of religion or sexual orientation.[34]

Development, environment and human rights[37]

17. JS2 recommended operationalizing the National Observatory for the Environment and the regional relevant observatories.[38] JS5 recommended adopting a human rights based approach to face climate change.[37]

18. JS10 and National Federation of Amazigh Associations in Morocco (FNAA) noted that expropriation of indigenous land had persisted and the indigenous communities had not benefited from their natural resources.[38] JS10 recommended implementing measures which safeguard the principle of prior, free and informed consent of the Saharawi people, in order that they may exercise their right to enjoy their natural wealth and resources.[39] JS10 recommended ensuring that the Working Group on Business and Human Rights can freely visit throughout Western Sahara.[40]

Human rights and counter-terrorism[41]

19. AI indicated that, during its second UPR, Morocco committed to fully respecting human rights in the counter-terrorism context. However, in terrorism related cases, the procedural safeguards preventing acts of torture and ill-treatments remain inadequate and the right to counsel is limited. AI recommended amending the Law against terrorism to guarantee fundamental rights of the accused, and adopt a precise definition of terrorism, in conformity with international standards.[42]

20. AI recommended amending the Criminal Procedure Code to guarantee the right of detainees to a lawyer of their choice promptly after arrest and have the lawyer present at all times during interrogation; and ensure that statements of confessions made other than in the presence of a judge or with the assistance of a lawyer, have not probative value in legal proceedings.[43]

21. Liga para la Protección de los Presos Saharauis (LPPS) recommended that the police custody should not exceed 48 hours and guaranteeing to detainees the right to communicate with their family.[44]

2. Civil and Political Rights

Right to life, liberty and security of the person[45]

22. JS9 indicated that, despite the de facto moratorium on executions, the courts continued to hand down death sentences regularly. Since 2013, 28 individuals had been sentenced to death. In 2016, the prison service reported a total of 92 prisoners who had been sentenced to death.[46]

23. AI regretted that the draft Penal Code proposed to expand the scope of the death penalty to three new categories of crimes.[47]

24. JS8 noted that Morocco had not yet ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, even though it had accepted the recommendation made in that regard at the time of its second universal periodic review.[48] JS9 recommended ratifying the Second Optional Protocol, formalizing the moratorium on executions and abolishing the death penalty once and for all, in accordance with the recommendations of the Equity and Reconciliation Commission.[49]

25. JS9 indicated that, according to civil society reports, 67 per cent of prisoners who had been sentenced to death suffered from serious mental health problems.[50] JS9 recommended that the prisoners in question should be examined by a psychiatrist, that prisoners sentenced to death should no longer be placed in solitary confinement and that the right to receive visits should be established by law.[51]

26. According to ASVDH and Asociación de Familiares de Presos y Desaparecidos Saharauis (AFAPREDESA), enforced disappearance in Western Sahara persisted,[52] and the authorities continued to deny these cases.[53] Two mass graves were discovered in 2013 by an independent expert team.[54] AFAPREDESA regretted that no prosecution measures had been taken against the perpetrators, despite the fact that the report of the Royal Advisory Council for Human Rights (2012) recognized that actors belong to various Moroccan military forces. According to AFAPREDESA, the Court of Military Order of Rabat had not cooperated with the families of victims seeking to obtain a copy of documents related to 13 missing persons whose fate and whereabouts remain unknown since 1976.[55]

27. AFAPREDESA recommended conducting prompt and impartial investigations into allegations of enforced disappearances with the support of independent experts;[56] establish the responsibility of those who are involved,[57] provide adequate compensation to the victims' families, and guarantees of non-repetition.[58]

28. AI, while welcoming the decision of the Minister of Justice and Liberties of 2014 encouraging prosecutors and judges to order medical examinations in relation to reports of torture or ill-treatment, regretted that it continued receiving related allegations. Cases documented by AI after the second UPR revealed a lack of adequate investigations.[59] JS4, LPPS and ASVDH and AI recommended ensuring that all reports of torture and ill-treatment are effectively investigated and hold those responsible accountable.[60]

29. AI recommended implementing the recommendations of the Working Group on Arbitrary Detentions and release all those arbitrarily deprived of their liberty as a result of unfair trials.[61]

30. LPPS indicated that since 2013, they have registered 55 cases of political prisoners.[62] Nine of them died as a result of torture and lack of medical attention.[63] Freedom Now (FN) regretted the lack of legislation defining the notion of political prisoner.[64]

31. AI welcomed Morocco's amendment of military justice laws in 2015 to end the trial of civilians before military courts, in accordance with recommendations accepted during its previous UPR. However, AI had continued to document unfair trials, including convictions based on reportedly "confessions" under torture.[65] AF recommended providing for a review mechanism of final criminal convictions pronounced after unfair trials.[66]

32. JS2 and AI stated that prisoners continued to report severe overcrowding and sub-standard medical care, despite recommendations accepted by Morocco in this area.[67] According to JS2, overcrowding had been due to a failure to adopt alternatives to pre-trial arrest.[68] AI recommended limiting the use of pre-trial custody.[69] JS2 recommended bringing the legal framework governing prisons in line with the Constitution and international standards.[70] JS4 recommended adopting a plan and programme of action as part of the prisons and health-care project.[71]

Administration of justice, including impunity, and the rule of law[72]

33. JS2 indicated that during the period under review, Morocco established the High Authority for National Dialogue to Reform the Justice System and promulgated the laws of the Supreme Judiciary Council and on the Statute of Judges.[73] AI noted, however, that reforms have fallen short of ensuring judicial independence, as was recommended during Morocco's previous UPR.[74]

34. AI indicated that, despite the transitional justice process launched in 2004, the fate of many victims of enforced disappearance remains unknown. The Equity and Reconciliation Commission fell short of identifying individuals suspected of criminal responsibility for grave human rights violations.[75]

35. AF, LPPS, CONASADH and AI welcomed the Court de Cassation's decision to set a retrial before a civilian court for 23 Sahrawi protesters convicted on the basis of an impartial trial by a military court in 2013 (Gdeim Izik case).[76] According to JS8, they were convicted mainly based on confessions that they claimed were extracted by torture.[77]

Fundamental freedoms and the right to participate in public and political life[78]

36. ADF-international indicated that Christians and other religious minorities face discrimination and prosecution.[79] It noted various restrictions placed on those observing other religions than Islam, including monitoring of meetings. It also indicated that the Penal Code punished incitement to conversion, which can be broadly interpreted.[80] ADF-International and JS2 recommended ensuring that freedom of thought, conscience, and religion is duly guaranteed in accordance with international law.[81]

37. Front Line Defenders (FLD),[82] JS2[83], La ligue Marocaine pour la citoyenneté et les droits de l'homme (LMCDH)[84] and AF[85] and AI indicated that, in response to recommendations supported, in 2016, Morocco did remove prison penalties from its Press Code. Journalists continued to be prosecuted under the Penal Code,[86] sentenced to heavy fines and in some instances imprisonment.[87]

38. AI, American Association of Jurists (AAJ),[88] RWB,[89] JS14 and Coordinating of Gdeim Izik movement peaceful (CEGIPM)[90] recommended removing provisions criminalizing peaceful free expression from the Penal Code. CIVICUS[91], JS2[92] and JS5 recommended adopting a law on information, in conformity with international law.

39. RWB (Reporters without borders) regretted that in 2016, Morocco was ranked one place lower that in the 2015 World Press Freedom Index.[93]

40. JS12 noted that vaguely formulated provisions in the Penal Code have also been used to imprison artists.[94] In addition, the Film Screening Commission's criteria to deny permits or ban movies are ambiguous, and the Commission's decisions are not subjected to appeal.[95] JS12 recommended that any restrictions to freedom of expression are imposed exclusively by a court, and measures be taken to ensure that artists, including women, are free to express themselves and participate in cultural events without fear of reprisals.[96]

41. CONASADH, ASVDH, S8, JS14 and CIVICUS were alarmed by the deterioration of the space for civil society and human rights defenders, in spite of supported UPR recommendations in this regard.[97] Since the previous UPR the imposition of travel bans,[98] and preventing and banning meetings, had increased.[99]

42. According to CIVICUS and RWB, organizations' representatives working on issues regarding self-determination face higher risks of arbitrary arrest and detention, ill-treatment and torture.[100]

43. LMCDH, FN, CIVICUS and FLD were concerned that current legislation allowed excessive discretion to dissolve or prevent the registration of organisations that are deemed critical of government policies and practices.[101]

44. AI recommended ending obstacles to NGOs' registration and removing arbitrary restrictions to their peaceful activities, and ending restrictions on the access to Morocco and Western Sahara for journalists and human rights defenders.[102]

45. JS4 recommended providing for means to appeal administrative decisions concerning the establishment of associations or the renewal of their authorization to operate.[103]

46. FN (Freedom Now)[104] and JS8 stated that, since the previous Morocco's UPR; demonstrations in support of self-determination had been systematically repressed.[105] CIVICUS recommended to impartially investigating any excessive use of force committed

by the security forces against demonstrators.[106] AF recommended ensuring the effective implementation of the UN Basic Principles on the use of firearms in the context of law enforcement operations.[107]

Prohibition of all forms of slavery[108]

47. JS2 acknowledged the 2015 policy on migration and the Law on prevention of human trafficking.[109] JS2 recommended developing a mechanism to identify victims of human trafficking and provide them with protection and assistance.[110]

48. JS3 recommended adopting specific legislation to combat human trafficking.[111]

Right to privacy and family life

49. Privacy International (PI) was concerned at increasing reports of journalists and human rights defenders having been unlawfully subjected to surveillance,[112] by using sophisticated technologies.[113] ASVDH regretted the deliberated cuts of internet during the major events.[114] PI recommended ensuring that security and intelligence agencies operate in accordance with international human rights standards.[115]

3. Economic, Social and Cultural Rights

Right to work and to just and favourable conditions of work[116]

50. According to JS4, labour laws are not always observed. JS4 recommended strengthening the pool of labour inspectors and their collaboration with the public prosecutor's office in order to punish those who violate labour legislation.

51. LMCDH noted that unemployment had risen.[117] JS4 expressed concern at the high number of private sector employees without social security coverage and at the difficulty of monitoring the situation and the effectiveness of the sanctions imposed on employers.[118]

Right to an adequate standard of living[119]

52. JS2 welcomed the adoption of laws and programmes relating to economic, social and cultural rights such as the national programme for education, health and housing. JS2 was concerned at the absence of territorial justice in distribution of housing, and lack of a strategy to protect and assist poor families.[120] JS2 recommended continuing rationalizing social housing and providing decent housing for the rural population.[121]

53. JS4 regretted that property speculation prevented a large segment of the population from gaining access to housing. JS4 recommended adopting legislation to guarantee access to decent housing and to put an end to property speculation and the illegal allotment of land.[122]

Right to health[123]

54. JS13 observed that the public sector occupied a predominant role in the health system and that services were centralized.[124]

55. LMCDH noted that the health sector showed signs of continued deterioration with medical staff in short supply, facilities in a poor state of repair, limited availability of specialist treatment, shortages of medicines and, in cases of medical negligence, a climate of impunity.[125]

56. JS4 observed that many individuals lacked health coverage. According to one report, there was only one health centre for every 42,000 residents, less than one bed for every 1,000 residents, just one doctor for every 1,630 residents and one nurse for every 1,109

residents. Rabat and Casablanca alone accounted for 45 per cent of doctors, and one quarter of the rural population lived 10 km or more from the nearest health centre.[126] ASVDH regretted the shortage of specialized doctors in most cities in Western Sahara.[127]

57. JS13 recommended improving the distribution of medical facilities, units and staff, increasing coordination across health programmes and introducing measures and initiatives targeted at rural and vulnerable population groups.[128]

58. JS5 recommended expanding the circle of beneficiaries from the medical assistance system to include all vulnerable people across the country.[129]

59. JS13 noted a decrease in infant mortality and that action plans and strategies had been implemented for the provision of integrated services.[130] However, young persons and adolescents remained vulnerable and were exposed to a number of risks. A study had found that 48.9 per cent of young persons aged 15 and over suffered from some sort of mental health issue, such as insomnia, anxiety or depression.[131]

60. JS3 indicated that the shortcomings of the health system affected women in particular, especially in rural areas, and despite the progress that had been made, the rate of maternal deaths in childbirth remained very high. JS3 also indicated that many women in Morocco resorted to clandestine abortions.[132] JS13 took note of the maternal mortality action plan and the 2012-2016 national strategic plan to combat HIV/AIDS.[133] JS3 recommended implementing action plans to promote women's reproductive health in accordance with international law.[134]

Right to education[135]

61. JS3[136] and JS2[137] were concerned at high dropout and illiteracy rates in the context of privatizing education, especially among women and children in rural areas. JS2 recommended carrying out efforts to combat school dropouts, increase resources to the education sector, and operationalize the Strategic Plan for Education 2015-2030.[138]

62. LMCDH was also concerned by school dropout rates, including among persons with disabilities, and by overcrowding in public schools.[139]

63. JS4 recommended increasing investments in public education infrastructure, recruiting additional teaching staff such as to improve the quality of education and incorporating human rights content into school curricula and textbooks.[140]

4. Rights of specific persons or groups

Women[141]

64. JS3 welcomed the repeal of the provision permitting the rapist of a minor to marry his victim and avoid prosecution. However, sexual relations outside marriage, adultery and abortion continued to be considered criminal offences and honour crimes continued to go unpunished.[142]

65. JS5 recommended redefining rape, while maintaining its qualification as a crime and including marital rape in the Penal Code.[143]

66. JS6 was concerned at multiples barriers to reporting sexual harassment.[144]

67. According to JS6, violence against women remained a widespread phenomenon. No specific legislation addressed the issue and current laws were insufficient to prevent, investigate and punish violence against women. Victims lacked access to housing and healthcare; women still had unequal access to divorce, and early marriage of girls persisted.[145]

68. JS3 recommended bringing the bill on combating violence against women into line with international standards, tackling this abominable phenomenon through concerted action by various ministries and increasing efforts to raise awareness of this issue.[146]

69. WSC was concerned that women had little access to legal remedy and rarely report rape.[147] JS6 recommended that women who launch criminal proceedings benefit from protective measures during the complaint and investigation phase; and reforming the Penal Procedure Code to effectively address the reporting, investigation and prosecution phases of cases of violence against women.[148] WSC stated that Saharawi women activists routinely complain of having suffered sexual violence during detention.[149]

70. JS3 was concerned by the fact that the Family Code contained several discriminatory provisions, such as expulsion of a woman from the marital home, divorce on grounds of marital discord and the fact that women cannot obtain custody of their children.[150]

71. JS6 regretted that polygamy has not been prohibited despite the fact that Morocco accepted to implement this recommendation[151] and put the Family Code in conformity with international law.[152] JS2, JS6[153], and AI[154] and JS5[155] recommended reviewing the Family Code by forbidding polygamy and preventing child marriage; repealing discriminatory provisions related to custody, marriage, inheritance and transfer of nationality, adopting legislation to eliminate violence against women, in line with international standards.[156]

72. WSC recommended that the special situation of Saharawi women, as a vulnerable group, is addressed in laws, policies and programmes.[157]

73. FNAA noted as positive the circular of the Ministry of Interior of 2012, which promotes women's access to land.[158] JS2 recommended adopting legislation on equal distribution of ancestral tribes' lands.[159]

74. JS3 regretted that, in spite of the legislation that had been adopted, women remained underrepresented in elected offices and decision-making positions. In 2014, women accounted for 12.8 per cent of government positions, compared with 21.2 per cent in 2007.[160] JS3 recommended taking positive action to guarantee women's eligibility for such positions and ensuring that lists of candidates without any women are inadmissible.[161]

75. JS13 recommended introducing a policy to raise awareness of women's rights and to promote a culture of equality.[162]

Children[163]

76. LMCDH found it regrettable that many children were exploited and subjected to work that was harmful to their health and development and that there was no legal oversight or protection available to them.[164]

77. Adala-UK stated that some Saharawi minors are victims of violence perpetrated by the security forces, allegedly forced to sign confessions under torture, abducted and taken from their homes during the night.[165]

78. JS13 noted an upward trend in the number of early marriages performed and in the number of authorizations granted by judges.[166]

79. Adala-UK[167] and JS5 recommended criminalizing all forms of violence against children.[168] JS13 recommended taking further steps to bring domestic legislation on protecting children from sexual exploitation and abuse into line with international law and recommended guaranteeing strict observance of the minimum age for marriage.[169]

80. JS5 recommended extending the benefits generated by the social solidarity fund to children born out of wedlock.[170]

81. LMCDH was concerned by the lack of programmes to protect children living in vulnerable circumstances, including street children.[171]

82. SJ5 welcomed the national Integrated Strategy for Youth (2015-2030) and recommended to develop a related specific action plan.[172]

Persons with disabilities[173]

83. JS2 noted that Morocco has set up an inter-ministerial committee in charge of disability and published a national survey on disabilities. JS2 recommended adopting a law for persons with disabilities in line with international standards, and promote political participation of persons with disabilities.[174]

84. JS5 recommended guaranteeing the right to work, social protection and health. JS5 recommended facilitating braille literacy, learning of sign language, and education adapted to the different needs of persons with disabilities.[175]

85. JS13 indicated that 60.8 per cent of persons with disabilities had no access to health care.[176]

Minorities and indigenous peoples[177]

86. JS8 noted with concern that Morocco's policies had limited the expression of Sahrawi identity.[178] ASVDH regretted the prohibition of building tents and destruction of historical monuments such as Villa Cisnero in Dakhla.[179] In addition, Morocco censored Sahrawi cultural expressions and Sahrawi artists who promote the right of self-determination are banned from taking part in cultural life.[180]

87. FNAA noted that, as a follow-up action to recommendations supported during the 2nd UPR, the Ministry of Interior called on civil status officers to adopt flexibility in processing applications for Amazigh names submitted.[181] However, Amazigh names continued to be prohibited.[182] JS4 recommended amending legislation that discriminated against the Amazigh language and culture and ensuring that civil registry offices respected the Amazighs' right to a legal identity, including the removal of any ban on Amazigh names.[183]

88. Moroccan legislation still enshrines discrimination against Amazigh people, including discriminatory provisions against Amazigh language and culture.[184] JS8 regretted that schools in Western Sahara still did not allow the use of Hassaniya language and do not teach Sahrawi history, culture or geography.[185]

89. JS2[186] and FNAA[187] recommended establishing an Amazigh media hub within the National Radio and Television Broadcasting.

Migrants, refugees and asylum seekers and internally displaced persons[188]

90. JS4 recommended bringing migration legislation into line with the relevant international convention and adopting the comprehensive migration policy and measures to protect the right to asylum.[189]

91. JS7 indicated that access to justice posed a significant challenge for foreign nationals, particularly those in an irregular situation, who preferred not to file complaints out of fear that any action on their part would rebound adversely on them. Lack of access to an interpreter was often a major obstacle.[190]

92. JS7 was concerned that a migrant detention centre was operating in Laayoune outside the framework of the law, thus preventing judges from monitoring detention procedures. Persons deprived of their liberty were being held in deplorable conditions.[191]

93. AI documented cases of excessive or unnecessary use of force by Moroccan security forces against migrant and asylum-seekers attempting to enter Spain irregularly. AI was concerned about the lack of adequate investigations into the deaths of sub-Saharan migrants who allegedly died of asphyxiation after the authorities lit a fire outside a cave where they had taken refuge during a raid near the northern city of Fnideq.[192] AI recommended ending the use of disproportionate or unnecessary force against migrants, asylum-seekers and refugees by law enforcement officials.[193]

94. JS7 indicated that, since its second universal periodic review, Morocco had undertaken a programme in 2014 to regularize the status of many migrants. It had also adopted a national strategy on immigration and asylum. However, effective implementation of the integration policy faced serious obstacles, and arbitrary procedures and violence continued to be reported in the country's border areas, where the humanitarian situation of migrants remained a source of great concern.[194]

95. JS7 noted that a memorandum issued in 2013 had opened access to education for many migrant children. However, enrolment procedures in some educational districts remained complicated for foreign families, as they had to request authorization from the provincial directorate in order to enrol their children.[195]

96. JS7 regretted that persons were encountering difficulties in renewing their residence permits in a number of cities, such as Tangier.[196]

97. JS7 noted a steady reduction in vulnerable foreigners' access to health-care services, such as assistance at childbirth. Moreover, foreign nationals did not enjoy access to the medical assistance programme for the poor, and in some cases they were unable to access treatment because they lacked documentation, such as proof of address.[197]

98. JS7 was concerned that the lack of a clear legislative framework continued to be a hindrance to refugee status determination procedures.[198]

99. JS5 recommended accelerating the adoption of a law regulating the right of refugees and asylum seekers, and the creation of an institutional mechanism entrusted with follow-up, and carry out awareness raising campaigns on tolerance.[199]

100. JS7 was concerned by the destruction of migrants' property and camps in 2016 in wooded areas close to border zones.[200]

101. JS7 observed that in 2013 persons had been forcibly displaced over hundreds of kilometres to other cities in Morocco, such as Rabat, Casablanca, Fez and Meknès. Many of those who had been provided with assistance following such displacements were children.[201]

5. Specific regions or territories[202]

102. Unión de Juristas Saharauis (UJS) recommended that Morocco should join with the international community in its efforts to implement the right of the Saharawi people to self-determination.[203]

103. Asociación Profesional de Abogados Saharauis en España (APRASE) noted that the wall built in Western Sahara had had a negative impact on the rights of the Saharawi people, who had been traditionally a nomad population. WSC[204] and ASAVIM also expressed concern at the persistence of mines which pose a threat to life and physical integrity of the population, but also their economic and social rights, since most of them are pastoralists.[205] ASAVIM recommended demolishing the wall and that Morocco be more engaged to the mining elimination.[206] SWC recommended signing the 1997 Mine Ban Treaty.[207] JS8 recommended expeditiously adopting a mine-clearing strategy.[208]

104. CONASADH, WSC[209] and JS10 recommended holding a free and independent referendum on the right to self-determination under the auspices of the United Nations.[210]

105. CONASADH recommended accepting the inclusion of a human rights monitoring component in the mandate of the MINURSO (United Nations Mission for the Referendum in Western Sahara).[211]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.
Civil society
Individual submissions:

AAJ	Asociación Americana de Juristas;
Adala-UK	Adala UK;
ADF-International	ADF International (Geneva) Switzerland;
AFAPREDESA	Asociación de Familiares de Presos y Desaparecidos Sahauris (Tindouf) (Algeria);
AI	Amnesty International;
AF	ALKARAMA Foundation;
AMVEAA	Association des Marocains Victimes d'Expulsion Arbitraire d'Algerie (Rabat) (Maroc);
APRASE	Asociación Profesional de Abogados Saharauis en España (Madrid) (Spain);
ASAVIM	Asociación Saharaui de Vicitmas de Minas (Morocco);
ASVDH	Association Sahraouie des Victimes des Violations Graves des Droits de l'Homme comises par l'Etat du Maroc (El-Aaiun) (Western Sahara);
CIVICUS	CIVICUS: World Alliance for Citizen Participation;
CONASADH	Sahrawi National Commission of Human Rights;
FFF	Four Freedom Forum;
FLD	Front Line Defenders;
FN	Freedom Now;
FNAA	National Federation of Amazigh Associations in Morocco;
GG	The Good Group;
GTS	Groupe du Travail Saharaoui;
CEGIPM	Coordinating of gdeim izik movement peaceful;
Indigenous^1893	Indigenous 1893;
LMCDH	Ligue Marocaine pour la citoyenneté et les droits de l'homme;
LPPS	Liga para la Protección de los Presos Saharauis;
OHR	Oceania Human Rights;
PI	Privacy International;
RSF	Reporters without Borders;
USJ	Union de Juristas Saharauis;
WSC	Western Sahara Campain UK;
JS2	Joint submission 2 submitted by Adala Association, Morrocan Human Rights Organization, Maghreb Mashereq Civil Society Portal, Union of Women's Action, Collectif Autisme Maroc, Democratic Association of Moroccan Women, Forum of Alternatives Morcco, Moroccan Observatory for Public Liberties, Moroccan Prisons Observatory, White Dove Association for the rights of people with disability situation in Morocco (Rabat) (Morocco);
JS3	Joint submission 3 submitted by: Association Democratique des Feems du Maroc, Association ADALA, Association CHAML pour la Famille et la Femme, Association ENNAKHIL pour la Femme et l'Enfant, Association Femmes du Sud, Association

	Initiatives por la promotion des droits des Femmes – Meknès, Association INSAF, Association INSAT des Femmes en Difficulté, Association Jeunes pour Jeunes, Association Main Solidaires pour le Droit à la Dignité et à la Citoyenneté, Association Oued Srou, Association Osygène, Association Solidarité Femenine, Association Troisième Millénaire pour le Developpement de l'Action Associative au Sud-Est, Association Widad pour la Femme et l'Enfant, Association 12 Mars Fémenine pour le Développement, Association Assaida Alhorra pour la citoyenneté et l'égalité des chances, Association de Lutte contre le Sida, Association Initiatives pour la Protection des Droits des Femmes –Fès, Association Marrocaine pour l'éducation de la jeunesse, Association Maorccaine des Déficients Moteurs, Association Marrocaine pour les Droits des Femmes, Association Oujda Ain Ghazal, Carrefour Associatif, Espace Féminin, Espace Libre de Citoyenneté de Formation et de Développement, Instance Marrocaine des Droits Huamins, Mouvement Alternatives Citoyenne, Mouvement Rihanate Citoyennes, Organisation Marrocaine des Droits Humains, Réseau des Associations de Développement des Oasis du Sud-Est (Rabat) (Morocco);
JS4	Joint submission 4 submitted by: Coallition des ONG pour l'EPU du Maroc: La Ligue Marocaine pour la Défense des Droits Humains, L'Association Marocaines des Droits Humains, l'Instance Marocaine des Droits Humains, Le Réseau Amazigh pour la Citoyenneté, l'Espace Associatif, Forum de Femmes au RIF, Institut Prometheus pour la Démocratie et les Droits Humains, Freedom Now, L'association des Mains Solidaires, L'Association Marocaine des Femmes Progressistes City (Country);
JS5	Joint submission 4 submitted by: Civil Coalition of Moroccan Youth Organization: Prometheus Institute for Democracy and Human Rights, Youth forum for Democracy and Citizenship, Observatoire du RIF pour les Etudes et Recherche Sciences Sociales, L'Assocation Manar pour l'Incitation à la Citoyenneté Active et Locale A.M.I.C.A.L, Jeunes Femmes pour la Democratie Casablanca, Forum d'Innovation des jeunes et des Etudiants de l'Université Hassan I Settat, Forum Beni Zoli pour le Developpment et la Communication Fobdec- Zaragoza, Fondation Zaer pour les Etudes et la Recherche, Atlas Center for Diplomacy Studies, Association Thissaghinasse pour la Culture et le Développement (Asticude)- Nador, Association Tazghart, Association pour le Developpement de l'Enfance et de la Jeunesse (42 section);
JS6	Joint submission 4 submitted by: The Advocates for Human Rights (Minneapolis) (USA), Mobilising for Rights Associates (Rabat) (Morocco);
JS7	Association de Lutte contre le Sida, Assocaition Meilleur Avenir pour nos Enfants, Alianza por la Solidaridad, Caritas, Comité Européen pour la formation et l'agriculture, Delegations des Migrations Nador, Association Droit et Justice, Fondation Orient Occident, medecins du Monde Belgique et organisation Marocaine des droits de l'homme;
JS8	Robert F. Kennedy Human Rights, Collectif des défenseurs sahraouis des droits de l'homme, Association Sahraouie des Victimes de Violations Graves Des Droits de l'Homme Commises par l'Etat du Maroc, Fondation Danielle Mitterrand/France

	Libertés, Bureau des Droits de l'Homme au Sahara occidental, Association Française d'Amitié et de Solidarité avec les Peuples d'Afrique, Association des Familles et des Disparus Sahraouis, AdalaUK, Action des Chrétiens Pour L'Abolition de la Torture – France, Sandblast;
JS9	Coalition marocaine contre la peine de mort and Ensemble contre la peine de mort;
JS10	Western Sahara Resource Watch and Association for the Monitoring Resources and the Protection of the Environment in Western Sahara;
JS11	Joint submission 4 submitted by: CODAPSO (Comité de Defensa del Derecho de Autodeterminación de los Pueblos Indígenas) and APRASE (Asociación de Abogados Saharauis en España (Madrid) (Spain);
JS12	Freemuse (Copenhagen) (Denmark) and Racines (Casablanca) (Morocco);
JS13	Association Marocaine de Planificaton familiale;
JS14	Réseau d'ONG de protection des droits des enfants vulnérables pour la Ving-septième session de l'EPU.

National human rights institution(s):

NHRC	National Human Rights Council * Rabat, (Morocco).

[2] NHRC submission, para. 6, related to recos.129.13, 129.29, and 129.30 (Zimbabwe, Nepal and Norway).

[3] NHRC submission, para. 7 and 24, related to recommendation 129.29 (Nepal).

[4] NHRC submission, para. 13, related to recommendations 129.84 and 129.125 (Azerbaijan and Venezuela, Bolivarian Republic of).

[5] NHRC submission, para. 15, related to recommendations 129.84, 129.97, 129.125, 130.6, 130.7 (Azerbaijan, Sri Lanka, and Venezuela, Bolivarian Republic of, Bahrain, Monaco).

[6] NHRC submission, para. 16, related to recommendations 129.84 and 129.125(Azerbaijan and Venezuela, Bolivarian Republic of).

[7] NHRC submission, para. 17, related to recommendations 129.84 and 129.125(Azerbaijan and Venezuela, Bolivarian Republic of).

[8] NHRC submission, para. 15, related to recommendations 129.84, 129.97, 129.125, 130.6, 130.7 (Azerbaijan, Sri Lanka, and Venezuela, Bolivarian Republic of, Bahrain, Monaco).

[9] NHRC submission, para. 14, related to recommendations 129.121 and 129.122 (Swaziland and Indonesia).

[10] NHRC submission, para. 45, related to recommendation 131.7 (Belgium).

[11] NHRC submission, para. 45, related to recommendation 131.6 (Belgium).

[12] NHRC submission, para. 45, related to recommendation 131.3 (Belgium).

[13] The following abbreviations are used in UPR documents:

ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
CRC	Convention on the Rights of the Child;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD.

[14] For relevant recommendations, see A/HRC/21/3, paras. 129.1-129.129.22, 129.14, 129.38, 129.123, 129.125, 129.128, and 130.1.

[15] JS2, para. 19 a), JS3 page 4, JS4, page 15 and 16, JS5, para. 5.

[16] AI, page 8.

[17] AI, page 9.

[18] AFAPREDESA, para. 31.

[19] ASVDH, page 9.

[20] CIVICUS, page 11.

[21] CIVICUS, page 11and CONASADH, para. 7.
[22] ASVDH, page 9.
[23] For relevant recommendations, see A/HRC/21/3, paras. 129.12-129.37, 129.84, 129.125, and 129.127.
[24] AI, page 1.
[25] JS6, para. 51.
[26] JS5, para. 4.
[27] ALKARAMA, para. 10 (d), JS9 page 2, related to recommendations 129.29, and 129.30 (Nepal and Norway).
[28] JS5, para. 21.
[29] For relevant recommendations, see A/HRC/21/3, paras. 129.21, 129.42.
[30] WSC, para. 11.
[31] Adala UK, page 5 and 6.
[32] Adala UK, page 8.
[33] AI, page 6.
[34] JS5, para.12.
[35] For relevant recommendations, see A/HRC/21/3, paras.129.127, 129.115, 129.102, 129.109.
[36] JS2, para. 59.
[37] JS5, para. 23.
[38] FNAA page 5, JS10 para. 31 and 32.
[39] JS10, para. 39 (III).
[40] JS10, para. 39 (X).
[41] For relevant recommendations, see A/HRC/21/3, paras. 129.124.
[42] ALKARAMA, para. 40 and 44 (a) and (b), related to recommendation 129.124 (France).
[43] AI, page 8.
[44] LPPS, para. 29.
[45] For relevant recommendations, see A/HRC/21/3, paras. 129.49-129-50, 129.56, 128.58-129.60, 129.62, 129.65, 129.77, and 130.12.
[46] JS9, page 4.
[47] AI, page 8.
[48] JS8, page 5.
[49] JS9, page 7 and 8.
[50] JS9, page 6.
[51] JS9, page 8.
[52] AFAPREDESA, para. 5.
[53] ASVDH, page 6 and AFAPREDESA, para. 11 and 25.
[54] AFAPREDESA, para. 25.
[55] AFAPREDESA, para. 24.
[56] AFAPREDESA, para. 32.
[57] AFAPREDESA, para. 33.
[58] AFAPREDESA, para. 34.
[59] AI, para. 5.
[60] JS4 page 4, LPPS para. 25, ASVDH page 9 and AI page 9.
[61] AI, para.14 (b).
[62] LPPS, para. 5.
[63] LPPS, para. 20.
[64] FN, para. 6.
[65] AI, page 1 and 4.
[66] ALKARAMA, para. 32 (a).
[67] JS2, para.15 and AI page 2.
[68] JS2, para.16.
[69] ALKARAMA, para. 27 (d).
[70] JS2, para. 18.
[71] JS4, page 6.
[72] For relevant recommendations, see A/HRC/21/3, paras. 129.67-129.76, and 129.81.
[73] JS2, para. 8.
[74] AI, page 1.

[75] AI, page 7.
[76] ALKARAMA, para. 31, LPPS, para. 13, LPPS, para. 13 and AI page 9.
[77] JS8, para. 17.
[78] For relevant recommendations, see A/HRC/21/3, paras. 129.79-129.80, 129.82, 129.85-129.87, 129.89-129.96, 130.3, and 130.11.
[79] ADF International, para. 17.
[80] ADF International, para. 15 and 20.
[81] ADF International, para. 25, JS7 para. 64.
[82] FLD, page 2.
[83] JS2, para. 30.
[84] LMCDH, page 3.
[85] ALKARAMA, para. 33.
[86] AI, page 1.
[87] AI, page 3.
[88] AAJ, pages 2 and 6.
[89] RWB, page 3.
[90] CEGIPM, page 4.
[91] CIVICUS para. 6.2.
[92] JS2, para. 33.
[93] RWB, page 1.
[94] FREEMUSE, para. 14.
[95] FREEMUSE, para. 37 and 38.
[96] FREEMUSE, para. 69-75.
[97] CONASADH, para. 14, ASVDH, page 4, JS8, para. 3 and CIVICUS para. 1.5; related to recommendation: 129.83, 129.89, 130.3, 130.5 (United States of America, Egypt, Canada, Uzbekistan).
[98] ASVDH, page 4
[99] CIVICUS, para. 1.5, related to recommendation (130.11 Ireland).
[100] RWB, page 1 and CIVICUS para. 3.1 and 3.4.
[101] LMCDH, page 2, FN para. 7, FLD page 3 and CIVICUS para. 2.3.
[102] AI, page 8.
[103] JS4, page 6.
[104] FN, para. 5.
[105] JS8, para. 23.
[106] CIVICUS, para. 6.4.
[107] ALKARAMA, para. 39 (b).
[108] For relevant recommendations, see A/HRC/21/3, paras. 129.51-129.55,129.57, 129.61, 129.63-129.64, and 129.66.
[109] JS2, para. 51.
[110] JS2, para. 54.
[111] JS3, page 4 and 5.
[112] PI, para. 26.
[113] PI para. 27.
[114] ASVDH, page 5 and 6.
[115] PI, para. 50.
[116] For relevant recommendations, see A/HRC/21/3, paras. 129.100, 129.109129.111, and 130.4.
[117] LMCDH, para. 49.
[118] JS4, page 12.
[119] For relevant recommendations, see A/HRC/21/3, paras. 129.99, 129.101-129.103, 129.105, 129.108, 129.112129.113, 129.115, and 130.8.
[120] JS2, para. 58.
[121] JS2, para. 59.
[122] JS4, page 13.
[123] For relevant recommendations, see A/HRC/21/3, paras. 129.97-129.98, 129.104, 129.107, 129.114, and 130.5-130-7.
[124] JS13, para. 1.2.1.

[127] LMCD01, page 4.
[128] JS4, page 12.
[129] ASVD01, page 7.
[130] JS13, para. 1.4.
[131] JS5, para. 16.
[132] JS13, para. 1.1.1-1.1.4.
[133] JS13, para. 1.1.11.
[134] JS3, page 8.
[135] JS13, para. 1.3.2-1.3.5.
[136] JS3, page 9.
[137] For relevant recommendations, see A/HRC/21/3, paras. 129.116-129.129.120, 130.9, and 130.10.
[138] JS3, page 8.
[139] JS2, para. 58 and 59.
[140] JS2, para. 58 and 59.
[141] LMCD01, page 4.
[142] JS4, page 13.
[143] For relevant recommendations, see A/HRC/21/3, paras. 129.39-129.41, 129.43-129.48, 129.78, 129.88, and 129.129.
[144] JS3, page 3.
[145] JS5, para. 5.
[146] JS6, para. 46.
[147] JS6, para. 4.
[148] JS3, page 10.
[149] WSC, para. 6.
[150] JS6, para. 12.
[151] WSC, para. 4.
[152] JS3, page 6.
[153] JS6, para. 30.
[154] JS6, para. 12.
[155] JS6, para. 27.
[156] AI, page 3.
[157] JS5, p..a. 7.
[158] JS2, para. 23.
[159] WSC, para. 15.
[160] FNAA, page 5.
[161] JS2, para. 23.
[162] JS3 page 6.
[163] JS3 page 7.
[164] JS13, para. 3.4.
[165] For relevant recommendations, see A/HRC/21/3, paras. 129.65, and 130.2.
[166] LMCD01, para. 50.
[167] Adala UK, page 8.
[168] JS13, para. 4.1.2.
[169] Adala-UK, page 8.
[170] JS5, para. 8.
[171] JS13, para. 4.2.
[172] JS5, para. 7.
[173] LMCD01, para. 20.
[174] JS5, para. 13 and 14.
[175] For relevant recommendations, see A/HRC/21/3, paras.129.41, 129.42.
[176] JS2, para. 44.
[177] JS5, para. 10.
[178] JS13 para. 1.1.13.
[179] For relevant recommendations, see A/HRC/21/3, para.130.11.
[180] JS8, para. 3.
[181] ASVD01, page 7.

[60] JS8, para. 37.
[61] FNAA, page 2.
[62] FNAA, page 3.
[63] 371, page 14.
[64] FNAA, page 4.
[65] JS8, para. 35.
[66] JS2, para. 39.
[67] FNAA, page 6 and 7.
[68] For relevant recommendations, see A/HRC/21/3, paras. 129.121, and 129.122.
[69] 071, pages 18 and 19.
[70] JS7, page 7.
[71] JS7, page 10.
[72] AI, page 7.
[73] AI, page 9.
[74] JS7, page 2.
[75] JS7, page 5.
[76] JS7, page 3.
[77] JS7, page 5.
[78] JS7, page 7.
[79] JS5, para. 9.
[80] JS7, page 10.
[81] JS7 page 10.
[82] For relevant recommendations, see A/HRC/21/3, paras. 130.3, 130.11, 130.12.
[83] UJS, page 13.
[84] WSC, para. 12.
[85] ASAVIM, para. 13 to 16.
[86] ASAVIM, para. 25 and 26.
[87] WSC, para. 15.
[88] JS8, page 9.
[89] WSC, para. 15.
[90] CONASAIDH, para. 42, JS10 para. 39 (II).
[91] CONASAIDH, para. 41.